
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

As American as Doughnuts, Inc.,
Plaintiff,

v.

Michael J.T. Patton;
Ernest Markisich; and
Roger Gear, Sr.,
Defendants.

and

MP-OTHA Corporation,
Consolidated Plaintiff,

v.

As American as Doughnuts, Inc.;
Douglas E. Bagley, d.b.a. Spudnuts; and
DOES 1-10,
Consolidated Defendants.

~~[PROPOSED]~~ **ORDER GRANTING
STIPULATED INJUNCTION AND
JOINT MOTION FOR DISMISSAL**

Case No. **2:10-cv-01138-CW-EJF**
(consolidated with Case No.
2:11-cv-00241-CW)

District Judge: **Clark Waddoups**

Magistrate Judge: **Evelyn J. Furse**

The parties having settled their differences, upon stipulation and joint motion of Defendants and Consolidated Plaintiff (“Plaintiffs”), and Plaintiff and Consolidated Defendants (“Defendants”):

IT IS ORDERED:

1. That Defendants, their officers, directors, members, agents, servants, employees, subsidiaries, parents, affiliates, successors, assigns, and any and all persons acting in concert or participation with them, are permanently enjoined from making, using, importing, marketing, selling, registering or maintaining domain names, offering for sale, or otherwise advertising or distributing in the United States any doughnut, baked good,

prepared mix, food item, or related promotional or consumer good bearing or including the term SPUDNUT, SPUDNUTS, or confusingly similar variation, except to the extent that they may be licensed to do so by Consolidated Plaintiff MP-Otha, owner of U.S. Trademark Registration No. 2862270 for SPUDNUTS.

2. That within 30 days of the filing of the Order, Defendants shall expressly abandon all business registrations, trademark registrations, and trademark applications they have registered with or applied for to any governmental entity which include the term SPUDNUT, SPUDNUTS, or confusingly similar variation, and to formally transfer all Internet domain names and Web sites affiliated with or related to the term SPUDNUT, SPUDNUTS, or confusingly similar variation, to Consolidated Plaintiff MP-Otha.
3. That except for the foregoing, the above-captioned action and consolidated action is dismissed with prejudice, all parties to bear their own costs.
4. That the Court retains jurisdiction of this matter and over the parties for the purpose of enforcing this Order.

DATED this 16th day of August, 2012.

BY THE COURT

By: 